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October 1, 2002

Mr. Doug Woodby, Chair

MPA Task Force

Alaska Department of Fish and Game

Division of Commercial Fisheries

P.O. Box 25526

Juneau, AK 99801

Re: Marine Protected Areas in Alaska — Recommendations for a Public Process

Dear Mr. Woodby:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing to outline our questions and concerns regarding the Alaska Department of Fish and Game's proposal for the possible creation of Marine Protected Areas (MPA). RDC is a statewide non-profit trade association representing individuals and companies from Alaska's fisheries, oil and gas, mining, timber and tourism industries. Our mission is to grow Alaska's economy through the responsible development of the state's natural resources.

As a matter of philosophy, RDC's members are uncomfortable with the prospects of increasing the state's already substantial regulatory regime without first identifying a clearly defined need for an additional program. Our review of the MPA Task Force report to the Board of Fisheries raised several questions with respect to the need, as well as the potential cost, scope, and impact of any proposed MPA program. We urge the MPA Task Force and the Board of Fisheries to carefully consider what specific resource management demand this program will fulfill in light of the myriad other regulatory programs currently affecting Alaska's waters and fisheries.

The MPA Task Force report indicates no fewer than nine state and federal agencies currently administer programs designed to protect Alaska's water and fish resources. Moreover, the report states that "To date, the inventory recognizes over 200 individual marine protected areas in 18 categories in Alaska state and federal waters." This inventory does not include the essential fish habitat (EFH) and habitat areas of particular concern (HAPC) programs currently being drafted by the North Pacific Fisheries Management Council.

Under these circumstances, what specific management need will a future MPA program address? Will an MPA replace existing state protected areas such as critical habitat areas, or will it serve as an overlapping and redundant regulatory process? How closely will any proposed MPA mirror adjacent EFH or HAPC areas?

Discussions concerning a future MPA program should not continue unless a compelling argument can be made that the program is needed in the first place.

Once a need has been defined, potential costs associated with any proposed MPA program must also be carefully scrutinized. The MPA Task Force report outlines several potentially significant financial and opportunity costs associated with a possible MPA program in Alaska. These costs include reduced fishing income, fewer opportunities to fish in traditional areas, heightened competition for fewer fish, decreased harvest yields, reduced subsistence and recreational opportunities, lost wages and jobs, government compensation to those adversely affected, and new research and management costs. Can Alaska's fishing industry handle such costs and remain competitive? Beyond Alaska's fishing industry, what affects will MPAs have on non-fishing industries? How will the overall health of Alaska's economy be affected? With the State facing a nearly \$1 billion fiscal gap, can we afford to fund a brand-new regulatory program?

RDC recognizes the social, economic and cultural benefits Alaskans receive from healthy, abundant stocks of fish and other marine resources. The task of managing Alaska's fish resources to provide for a sustained yield is not an easy one. A well-designed MPA program may become an important management tool for the State, but not until a need is clearly defined and a detailed analysis of the proposed program's costs and benefits is completed. In the meantime, the MPA Task Force and the Board of Fisheries should proceed with caution before adding yet another regulatory program to Alaska's challenging business environment.

Thank you for allowing us to provide comments on this important issue. We appreciate the opportunity to participate at this early stage, and we look forward to providing the MPA Task Force and the Board of Fisheries with continued input. Please feel free to contact me with any questions.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

A handwritten signature in black ink that reads "Tadd Owens". The signature is written in a cursive, flowing style.

Tadd Owens
Executive Director

Subject: comments on MPA report

Date: Tue, 24 Sep 2002 14:08:34 -0700

From: Astrid Scholz <ajscholz@ecotrust.org>

To: MPA_program@fishgame.state.ak.us

CC: ebackus@ecotrust.org

Dear Mr. Woodby,

please accept these belated congratulations on your and your task force's report "Marine Protected Areas in Alaska: Recommendations for a Public Process". I would like to commend you on your thorough analysis of the literature and the experience with MPA processes in the lower 48. I sincerely hope that the State of Alaska succeeds in translating these lessons into a smooth and productive public policy process.

As an occasional consultant on the California processes (CINMS and MLPA), I encourage you to pay close attention to the design and structure of your stakeholder process. If there is one lesson that has been learned over and over again, it is that socioeconomic concerns are at the forefront of many fishermen's and other stakeholders' minds, but are often relegated to the latter stages of analysis in processes. Often, the price for focusing on the more readily available ecological and biological information, or for considering it in isolation from socioeconomic concerns, is increased controversy and political resistance. In general, less is known about the social and economic effects of management measures such as MPAs, and this is precisely why it is so important to make the elicitation of these "softer" data an early priority in the process. NOAA's MPA Center, under the direction of Charlie Wahle, hosted a workshop on the socioeconomics of MPAs in April of this year, and I would encourage you to review the very concrete, and not all that expensive tools and techniques available for collecting socioeconomic data and designing inclusive participatory processes.

As you are no doubt aware, NOAA has also been instrumental in developing new, spatially explicit analytical tools for MPA decision-processes. In addition to their own GIS platforms that have been used in the Florida Keys and the Channel Islands, a project we are currently completing here at Ecotrust has also received major funding from NOAA, not least for its applicability to spatial management measures. In our analytical framework, we are testing a number of ways for explicitly modeling socioeconomic effects of management measures that extend beyond the immediate income and employment impacts. Please let me know if you would like to receive more information or documentation on our project, any additional information on the California processes, or some of the innovations and research needs on socioeconomics identified in a series of recent workshops.

Best regards,
Astrid Scholz

~~~~~  
Astrid Scholz, Ph.D.  
Groundfish Fleet Reduction Information and Analysis Project

Ecotrust, PO Box 29189, San Francisco, CA 94129  
Tel 415 561 2433 ajscholz@ecotrust.org

**Subject: Marine Protected Areas**

**Date:** Tue, 10 Sep 2002 11:04:30 -0800

**From:** "Scott J. Sloane" <scott\_sloane@fishgame.state.ak.us>

**To:** "Andrew J McGregor" <andy\_mcgregor@fishgame.state.ak.us>,  
"Douglas A Woodby" <doug\_woodby@fishgame.state.ak.us>

Here are my comments on the Marine Protected Areas (MPA) in Alaska. Overall, I believe the designation of marine habitat as marine reserves, marine fishery reserves or protected marine habitat would be very beneficial. Increases in species densities, biomass, size and species richness inside and outside the reserve areas are well documented in the MPA management plan, and would be expected in to occur in Southeast Alaskan waters as well.

As outlined in the document, there are several questions which need to be addressed: Who would coordinate the monitoring effort and who would pay for it; where would the data be kept and who would be responsible for organizing and maintaining these data? The MPA document suggests using independent scientific personnel (university researchers) where possible for monitoring. If the State is responsible for designating these areas and for some of the upfront costs of oversight, I would think that we would want to maintain some type of control on the collection of these data and its dissemination. Where would these data be stored and who would be responsible for the data? If independent researchers are responsible for the monitoring and oversight, the State would still need some personnel to oversee this effort. How much time and money is the State willing to contribute to this effort and are there State monies available for monitoring and oversight? Are there federal monies available for such monitoring, and if so, all the more reason for the State to be responsible for or at least involved in the monitoring. Is this something the Habitat Division could coordinate? Do we need to create a Marine Habitat Division? The designation of MPAs is going to take a lot of coordination between ADFG and the commercial fishing industry. Finally, some type of observer and/or enforcement program would have to be in place to ensure that fishing boats stay out of these designated areas.

Overall, I believe the designation of MPAs would be very beneficial to Alaskan marine wildlife and I strongly support such an effort. There are a few unanswered questions, but assuming there is enough momentum from the top, these questions can be addressed. Good Luck, and please let me know if I can be of any assistance.

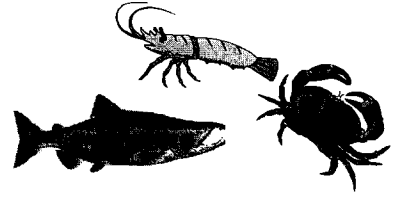
Scott J. Sloane  
Assistant Area Management Biologist  
Commercial Fisheries Division, Douglas

*Southeast Alaska Fishermen's Alliance*

9369 North Douglas Highway  
Juneau, AK 99801

Phone 907-586-6652

Fax 907-586-5648 E-mail: [seafa@sei.net](mailto:seafa@sei.net)



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September 20, 2002

MPA Task Force; Attn: Doug Woodby  
Alaska Dept of Fish and Game  
Commercial Fisheries Division  
PO Box 25526  
Juneau, AK 99801

RE: Marine Protected Areas in Alaska: Recommendations for a Public Process

The Southeast Alaska Fishermen's Alliance (SEafa) is non-profit group representing their members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska.

Under the recommended definitions we would suggest that it is made more clear that Marine Reserves, Marine Fishery Reserves and Protected marine habitat areas are sub-set of a Marine Protected area and that marine fishery reserves and protected marine habitat areas can already be established by the Board of Fish but that the most strict of all areas the Marine Reserve can only be designated by the Legislature.

Under Public Involvement Process we would like emphasized that Marine reserves are to be determined by the local Alaskans in the community and not by outside interests. One way of doing this is by having the closest local fish and game advisory committees as the only vehicle that submits proposals for the marine reserves. SEafa would not be interested in having a task force or advisory group appointed to pick out the areas to be created for reserves.

While we considered all the information regarding other areas and what they are doing interesting, we would object to relying on models developed in other areas or regions especially as so much of the information was prefaced by the words presume or think. We do not need this type of science in Alaska.

We also hope that the Board of Fish in developing a policy will give many opportunities for comment as it is being developed and not rush the process.

Sincerely,

Kathy Hansen  
Executive Director

# Alaska State Legislature

*Chairman,*  
Judiciary Committee

*Vice-Chairman,*  
Administrative Regulations  
Review Committee

*Member,*  
Transportation Committee  
Resources Committee



**Senator Robin L. Taylor**

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September 11, 2002

Page 1 of 2

Dear Doug,

Thank you for sending along the report to the board on MPAs.

Sadly the board and the department appear to be extending their jurisdiction beyond the constitutional and legislative authorization.

The constitution requires management for "Sustained Yield" under article VIII section 4 and thus requires the Board of Fish to manage for this result. (See attorney generals opinion August 1990).

Furthermore, the department and the Board are specifically required to abide by AS 16.05.251 (A) (1), which restricts the creation of "reserve areas, refuges and sanctuaries in the waters of the state, "To those areas approved by the legislatures".

RE: Page 1

"Despite this report's focus on fishing, the department recognizes a larger context and need for marine protected areas. This larger context includes protection for other marine life, such as marine mammals and seabirds, protection from pollution, protections from adverse impacts of mineral extraction, protection of culturally important sites, and maintenance of pristine ecosystem structure and function. Where appropriate, the department recommends taking these larger issues into consideration as additional factors when evaluating MPAs proposed for fishery related purposes."

Management of the commercial species under substantial yield principles is the Boards area of jurisdiction. - Birds, pollution, and cultural significance are certainly not within the ambit of that authorization. Protection from adverse impacts of "Mineral extraction and maintenance of pristine ecosystems" seems afield of the constitutional and legislative authorization.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell  
E-mail: [Senator\\_Robin\\_Taylor@legis.state.ak.us](mailto:Senator_Robin_Taylor@legis.state.ak.us)

# Alaska State Legislature

*Chairman,*  
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Page 2 of 2

With our commercial fishing industry in economic collapse, while we experience record returns of fish. It is sad that the Commercial Fisheries Department has nothing to offer the industry in the form of solutions.

Instead significant staff time, money and energy have been spent to propose a system to create wilderness zones in the waters of this state. Both the department and board should reconsider and re-prioritize its focus.

You are the Commercial Fisheries Division and the industry you regulate is dying, maybe in part because it's regulators are more concerned about creating wilderness, saving eel grass and mud worms, then they are about the industry that pays their salaries.

Abandon this politically correct Clinton agenda, it is ill advised and outside of your jurisdiction.

Sincerely,

A handwritten signature in cursive script that reads "Robin L. Taylor".

Senator Robin L. Taylor

RTL: rjd

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

E-mail: [Senator\\_Robin\\_Taylor@legis.state.ak.us](mailto:Senator_Robin_Taylor@legis.state.ak.us)

**Subject: Corrections to ADF&G MPA report**

**Date:** Wed, 31 Jul 2002 09:11:13 -0700

**From:** "John Ugoretz" <jugoretz@dfg.ca.gov>

**To:** <MPA\_program@fishgame.state.ak.us>

**CC:** <doug\_woodby@fishgame.state.ak.us>, <scott\_meyer@fishgame.state.ak.us>

Dear Mr. Woodby,

Scott Meyer forwarded a copy of your draft report to me for review. I reviewed the California process section and found it well written and presented. I couldn't have done a better job myself.

I did find a few minor typos and corrections as well as two more important changes (on pages 40 and 43). Attached are my suggested edits. If you have any questions or would like more information, please feel free to contact me.

You may also want to look into more information regarding the paper by Roberts et al. (2001) discussed on page 16. The statement that the study "ignored the effect of commercial gillnetting and a recent ban on their use" is not valid. The gill net ban was for the entire state, not just the Cape Canaveral area, yet record fish were still concentrated in the region adjacent to the reserve. Tagging studies in the area have shown that the species involved definitely move far enough to show these effects. Finally, the statement that "trophy catch records were completely distorted" is false. The catch records used in the report were provided to the authors by the IGFA and include more than what is reported in the IGFA annual reports. I strongly urge you to contact Dr. Jim Bohnsack ( Jim.Bohnsack@noaa.gov ) to learn more about this study and the authors' response to criticism.

Finally, you may want to look at the economic studies from the recently established Tortugas reserve in Florida. I understand that the cost estimates that were produced prior to reserve establishment have not been realized. I think the first results are available on the Florida Keys National Marine Sanctuary web site.

Thanks again for the opportunity to review the document,

John

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Alaska MPA Doc-Ugoretz edits.doc

**Name:** Alaska MPA Doc-Ugoretz edits.doc

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**Encoding:** base64



Suggested Corrections to the Alaska MPA Document  
John Ugoretz, California Department of Fish & Game  
July 31, 2002

Page 38, Paragraph 4

"The Marine Managed Areas Improvement Act, passed and chaptered in September 2000 requires..."

Page 39, third definition

"State Marine Recreational Management Area"

Page 40, first line

~~"publicly scrapped the plan in January 2002, and announced in January 2002 that the public process for development..."~~

--NOTE this was misreported by recreational fishing groups in the press. The Director specifically stated that the Department would not use the Initial Draft Concepts as a starting point for the new process. He did not state that the plan had been scrapped.

Page 41, last "History" item

Should be MLPA

Page 43, Paragraph 2

~~"In June of 2001 the SAC forwarded the results of the Marine Reserves Working Group process to the sanctuary manager. The SAC recommendation called for setting aside 25% of the sanctuary in 11 State Marine Reserves, one State Marine Park, and one State Marine Conservation Area. The SAC advised the sanctuary manager to work with the Department of Fish and Game to develop a proposal based on the Working Group results. The joint sanctuary and Department of Fish and Game recommendation called for setting aside 25% of the sanctuary in 11 State Marine Reserves, one State Marine Park, and one State Marine Conservation Area. This recommendation was presented to the Fish and Game Commission in August and the Pacific Fishery Management Council in October. The recommendation followed..."~~

Page 43, Paragraph 5 end,

July 12 has been changed to September 1 (the timeline was extended based on public requests for more time to comment on the draft Environmental Document).

Page 43, Last Paragraph, end

ADD:

The Department is now supporting a bill (SB 1086, Alpert) which will extend the deadlines by another two years. This extension would allow adequate time for the new public process to proceed.

Page 44, Second Sentence

Change: mid July to September 1

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October 1, 2002

MPA Task Force  
Attn: Doug Woodby  
Alaska Department of Fish and Game  
Commercial Fisheries Division  
P.O. Box 25526  
Juneau, Alaska, 99801

Re: Comments on Recommended Public Process for Marine Protected Areas

Dear Mr. Woodby:

Please accept these comments on the Public Process for Marine Protected Areas. The report is well-written, and comprehensive. It was particularly valuable to include the appendix addressing the experience of other jurisdictions in evaluating and establishing Marine Protected Areas.

The report indicates that it is focusing on marine reserves (areas closed to fishing) as this is the most concern to the public, while recognizing the need to protect other marine life from adverse impacts of pollution, mineral extraction, protection of culturally important sites and pristine ecosystem and function. In that regard, it is recommended that ADF&G identify, in each geographic region of the state, the predominant interests and impacts to marine resources. This would facilitate the creation of necessary marine protected areas for each region. As an example, the North Slope of Alaska has significant fisheries and other resources that have been, and are being, impacted by point sources, thermal discharges, and insufficient water due to significant water withdrawals from lakes and streams.

The U.S. Fish and Wildlife Service, Alaska Region, has identified impacts from oil and gas activities, including impacts of water withdrawal on Arctic fishery resources, water quality and other aquatic resources on the North Slope of Alaska. This includes influence on the habitats of Arctic fishery resources, such as the effects of such development on the nearshore brackish water habitats of the Beaufort Sea during the open water season. This nearshore brackish water band along the Beaufort Sea coast is an essential component of the ecosystem and is widely used by various fish species for feeding and as a migration route. This habitat is a critical component for fish species

ranging from the Colville River to the Mackenzie River in Canada.


ADF&G is requested to address establishing baseline data, and possible marine protection for this region of Alaska. Information on the discharges, the timing of water withdrawals in relation to the effect upon fish species, aquatic organisms, life cycle of the fish species present and any effects on the migration of fish species are essential. Information on the downstream hydrologic and fisheries impacts from gravel mines that become reservoirs, including the effects of continually enlarging the such reservoirs are necessary. The hydrologic or fisheries impacts associated with the diversion of river flows to these various reservoirs, the impacts to nearshore habitats (including benthic macro invertebrates and nutrient levels) and potential effects on fish migration corridors would be beneficial. ADF&G files reflect that certain rivers, such as the Sagavanirktok, have already experienced a significant decline in water quality and fish species, due to this activity. As the oil infrastructure moves west (in NPRA) and east (Pt. Thomson Gas Project) the impacts are increasing, particularly in the Colville River Delta region.

There should be a scientifically valid, empirically-verifiable assessment of the potential impacts to the water quality, water quantity, and fishery resources of the North Slope from the discharges and water withdrawals necessary for oil and gas development. Additional information, monitoring and studies are necessary to draw valid scientifically supported conclusions about the impact to fishery and aquatic resources from these activities. Additional data and analyses are needed to assess the cumulative impacts of gravel mines, reservoir filling, and water withdrawals on the fishery and aquatic resources of the North Slope and nearshore habitats. It is recommended that ADF&G establish water quality protection areas, where point sources, water withdrawal, gravel mines, waste and thermal discharges are prohibited.

British Columbia and Washington have recognized that participation of tribal governments is essential in this process. Governor Knowles' Administrative Order 186 recognizes that the State of Alaska must work together with Tribal governments to develop mutual respect for the rights, responsibilities, and interests of all parties, and encourages government to government consultation on these types of issues. Therefore, it is recommended that in any assessment of marine protected areas, whether in the North Slope or elsewhere, that tribal governments be involved early in the process, and in a way that allows a meaningful exchange concerning these issues.

Thank you for the opportunity to comment, and for providing an excellent first report on this issue. Please include me on your mailing list, so that I may receive future information about this initiative.

Sincerely,



Nancy S. Wainwright



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